

THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, HELD A GRIEVANCE HEARING ON THURSDAY, APRIL 12, 2007 IN THE ASSEMBLY ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING.

Present: Anthony B. Toran, Chas Hunter, Matthew Denison.

Others present: Kay Garry, Shane Gibson, Marcey Wisman , Mickey Thompson, Tom Cannon, Tom Mousty,

Mr. Toran called the meeting to order at 9:05. He stated that today we are here to discuss grievances filed by Mr. Mickey Thompson and Mr. Tom Mousty.

The first Item discussed was a grievance filed by Michael Thompson on 3/26/07.

Mr. Mickey Thompson stated that this was filed because there is only one working foreman and he is in the Cemetery and Mr. Cannon should not be out cleaning drains and ditches. Both his employees were out that day and this is his effort to get more people hired in the drainage department. He stated that he is paid out of the drainage department but he works in the garage.

Mr. Toran asked if he could be pulled out of the garage to clean drains.

Mr. Thompson stated that his contract only allows him to be pulled out of the garage for emergency measures.

Mr. Toran asked if it wasn't an emergency to have all the employees out of one department off.

Mr. Gibson stated that his question would be what they want to be done about this. They have a staff of three and two were off and work needed to be done so other than hiring more employees what would they suggest be done.

Mr. Thompson stated that he is just there to make them aware of the problem nor is he there to harass the board but he would be lax in his duties if he didn't bring this to their attention if only as a means to keep the board aware of the problem so that they can keep pressure on the council to find the money somehow to hire more employees.

Mr. Cannon said the bid sheets don't say there are two positions they don't say there is only one either and he believes that bid sheet would be valuable to hire new employees without having to repost.

Mr. Hunter stated that now that there is a storm drainage fee there is some money and they are in the process of hiring more men.

The next item of business was the grievance filed April 2, 07 by Mr. Tom Mousty.

Mr. Thompson stated that the problem with this is that Mr. Mousty was sent to Klerner Lane instead of Mt. Tabor Road.

Mr. Mousty stated that Mr. Simmons told him to go out to Klerner Lane and change seven speed limit signs and when he went out there the speed limit was already 30 mph. He stated that he went down Mt. Tabor Rd. and he could not find seven signs to change. So he called the union steward, Steve Carter, and he came out to see if he could tell what was suppose to be done.

Mr. Gibson asked him what he did after they determined that the signs didn't need to be changed.

Mr. Mousty stated that he went about his other duties.

Mr. Toran asked why he didn't call his supervisor.

Mr. Mousty stated that he can not talk to Mr. Simmons and they are not able to communicate with one another and Gary Beck was not at work that day.

Mr. Toran told him that when Mr. Beck is not in he needs to call Mr. Simons who is his supervisor.

Mr. Denison stated that as far as he sees it this is a matter of a lack of communication and that if he had any questions he should have called his supervisor.

Mr. Hunter stated that what they are looking at is after he determined that he could not change the signs what did he do the rest of the day.

Mr. Mousty stated that he is not sure what all he had done that day.

Mr. Toran asked him if he understood that if Mr. Beck is not in that he needs to call his immediate supervisor who is Mr. Simons. He then asked why Mr. Mousty thought the warning should be removed from his file.

Mr. Thompson stated that the warning reads that Mr. Mousty failed to do as he was told and the problem is that he couldn't change signs that were already changed and he did go to do what he was told but he was sent to the incorrect location.

Mr. Mousty stated that they are only seeing part of the issues but there are many more things going wrong with all of this.

Mr. Hunter said that this grievance is all they have in front of them so that is all they can address.

There was a lengthy discussion regarding the lack of communication within the Street Department

Rick Bannister, Business Agent, stated in the past he has dealt with difficult supervisors in the past and he doesn't understand how two grown men could be afraid of a supervisor and it concerns him that the supervisor is allowed to treat them this way. He explained that the only recourse of action is to go to upper management and still nothing is being done because Mr. Simmons wears two hats and only acts in such a negative manner around his employees. He said that this is why people go into work and shoot people.

Mr. Toran told Mr. Bannister that he was out of order and asked if he had any dealings with Mr. Simmons.

Mr. Bannister stated that he had only heard what the employees told him.

Mr. Thompson stated that the reason Mr. Bannister is upset is because he goes to him with his problems and issues within the department.

Mr. Toran explained that he is willing to listen to anything that anyone has to say until things get out of order.

Mr. Simons stated that after everyone had left Mr. Mousty can back to him to clarify the speed and he went back up to get the 30 signs instead of the 30 mph and he never heard another word about it.

Mr. Thompson said that Mr. Simmons never stated that he clarified the location to Mr. Mousty only the speed and that is why he is filing the grievance to have the warning removed because he did do what he was told.

The next item of business was a grievance filed by Mr. Tom Mousty on April 9, 2007 regards the rate of pay he received while working on a grapppler truck.

Mr. Thompson stated that Mr. Mousty was temporarily assigned to work on the grapppler truck for Mr. Lawless who makes \$15.95 and he only makes \$14.43 for the sign shop. He stated that he discussed this with Mr. Simons and he argued with him.

Mr. Simons stated that Mr. Mousty was not replacing Mr. Lawless. He said that Donnie Blevins was replacing Mr. Lawless who was off. He stated that if anyone should have filed a grievance it is Mr. Blevins. He explained that Mr. Mousty replaced the driver of the truck.

Mr. Denison asked what the driver of that truck normally makes an hour.

Mr. Thompson said \$13.62/hour

Mr. Denison asked Mr. Mousty how much he made an hour.

Mr. Mousty said \$14.43/hour, but they don't know how this job is classified as to whether or not it is heavy or light equipment. He said the jobs were never bid out after they got the equipment and Mr. Lawless was just assigned to it at heavy equipment pay.

Mr. Hunter stated that he believed they could take care of the classification of the job in a cooperative and timely manner.

ADJOURN:

There being no further business the meeting adjourned at 9:49 a.m.

Respectfully submitted,

**Anthony B. Toran, President
Board of Public Works & Safety**

**Marcey Wisman, City Clerk
Civil City of New Albany, Indiana**